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HIGH COURT OF CHHATTISGARH, BILASPUR

S.A.No. 284 of 2004

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellants Defendants

: 1. Firatram S/o Jaitram aged 55 years.

: 2. Narayan S/o Jaitram (Dead)

: (2A). Sukmati Widow of Narayan, aged 52 years.

: (2B). Tarun Kumar S/o Kholbahra, S/o Narayan, aged 27 years.

: (2C). Rampal S/o Narayan aged 26 years.

: (2D). Ramkhilawan S/o Narayan aged 23 years.

: (2E). Pothiram S/o Narayan aged 19 years.

: (2F). Geeta bai D/o Narayan aged 31 years.

All residents of Gram Devgoan Tahsil Malkhrod Distt, Janjgir-Champa.

: (2G). Ram Kumari W/o Ram Prasad Kashyap, Aged 29 years R/o Sarkhan Tahsil, Navagarh Distt. Janjgir Champa.

: 3. Ganga Prasad S/o Jaitram (Dead)

: 3A). Ramai widow of Ganga Prasad, Aged 45 years.

: 3B). Kesheo Prasad S/o Ganga Prasad aged 30 years.

: 3C). Karmveer Prasad, S/o Ganga Prasad, aged 28 years.

: 3D). Bhejram S/o Ganga Prasad aged 26 years.

: 3E). Rajendra Kumar S/o Ganga Prasad, aged 24 years.

: 3F). Chhotelal S/o Ganga Prasad aged 21 years.

: (3G). Roop chand S/o Ganga Prasad, aged 19 years.

All cast Kurmi, R/o Devgoan, Thana-Dhabhra Tahsil Sakti, Distt. Janjgir-Champa (C.G.)

: 4. Heeralal S/o Jaitram (Dead)

: (4A). Ramvati Widow of Heeralal, aged 521 years.

: (4B). Gopal S/o Heeralal Kurmi aged 33 years.

: (4C). Sevakram S/o Heeralal Kurmi, aged 32 years.

: (4D). Rohit Ram S/o Heeralal aged 30 years.

: (4E). Hem Prasad S/o Heeralal Kurmi, aged 26 Years.

: (4F). Nangu S/o Heeralal Kurmi, aged 28 years.

: (4G). Uma bai D/o Heeralal Kurmi, aged 28 Years.

: (4H). Guddi D/o Heeralal Kurmi, aged 22 years.

All cast Kurmi- Sakin Devgoan-Thana Dhabhra-Tahsil Sakti, Distt. Janjgir Champa.

: (4 I) Parvati bai D/o Heeralal wife of Not known, aged 35 years, Sakin-Pendri, Thasil, Dhabhra Distt. Janjgir-Champa.

: (5) Shivraji S/o Jaitram, aged 38 Yrs. R/o Sakin Devgoan, Tahsil Dhabhra, Distt. Janjgir Champa.

Versus

Respondents
Plaintiffs

: 1. Betmara S/o Shiv Prasad (Dead), aged 55 years.

: 2. Ghasiya S/o Shiv Prasad.

: 3. Tirithram S/o Ram Prasad aged 60 years (Dead)

: 3A). Chheduram S/o Tirith ram

3B). Firatram S/o Tirithram

3C). Firturam S/o Tirithram

3D). Rahin ba widow of Tirithram.

All residents of Devgoan Tahsil Sakti, Distt-Janjgir Champa.

3E). Sadhumati wife of Dhurauram, R/o Sakin Malda-Tahsil Sakti.

3F). Guruwari W/o Madhoram R/o Sakin-Hariyan-Tahsil Sakti.

: (4). Mohan S/o Guhrin, aged 21 years.

: (5) Muritram S/o Ram Prasad, aged 55 years (Dead)

: (5A) Kaithiheen widow of Muritram aged 35 years.

: (5B). Lakhanlal S/o Muritram aged 24 years.

: (5C). Kanchana bai D/o Muritram aged 24 years.

Respondent No.4 to 5 (C) R/o Sakin Devgoan Hall Mukum Dhabhra Tahsil Dhabhara, Distt. Janjgir-Champa.

: (6). Pirit S/o Ram Prasad, aged 40 years (Dead)

: (6A). Baharteen bai widow of piritram, aged 75 years.

: (6B). Khemlal S/o Piritram, aged 51 years.

: (6C). Shyamlal S/o Piritram aged 41 years.

: (6D). Butaluram S/o Piritram aged 37 years.

: (6E). Nankibai D/o Piritram aged 45 years.

All residents of Sakin devgoan, Tahsil, Malkharod, Distt. Janjgir-Champa (C.G.)

: 7. State of Chhattisgarh, through Collector, Distt. Janjgir-Champa (C.G.)

: 8. Damrulal S/o Betmara aged 30 Years.

: 9. Ramvati widow of Betmara aged 60 years.

Both residents of devgoan Tahsil Sakti, Distt. Janjgir-Champa (C.G.)

Appeal under Section 100 of Civil Procedure Code

Present: Shri Shree Kumar Agrawal, learned Sr. Advocate with Shri Anand Kumar Gupta, counsel for the petitioners/defendants.

Shri Akhil Agrawal, P.L. for respondent No.7/State.

ORAL ORDER
(Passed on 01.08.2007)

Heard on admission.

2. Aggrieved by the judgment and decree dated 7.4.2004 passed by Additional District Judge, Sakti, Distt. Bilaspur (C.G.) affirming the judgment and decree dated 24.09.2003 passed by the Civil Judge Class-I, Sakti, in Civil Suit No. 424-A of 2002 whereby the suit was decreed in favour of the respondents/plaintiffs, the appellants/defendants have preferred this appeal.

3. Both the Courts below have recorded finding of fact that an earlier suit filed by the erstwhile owner i.e. Giridharilal against the respondents/plaintiffs for possession was dismissed and thereafter Giridharilal had executed a document Ex.P.4 affirming the possession of the respondents/plaintiffs. Apart from this, both the Courts below have, on proper appreciation of evidence, oral as well as documentary, recorded a concurrent finding of fact that the respondents/plaintiffs were in long, continuous, open and uninterrupted possession of the suit lands and had perfected their title by adverse possession. The findings recorded by both the Courts below are findings of fact. In my considered opinion, no substantial question of law is involved for determination of this appeal.

4. Accordingly, the appeal is dismissed at the stage of admission. No costs.

Sd/-
DILIP RAOSAHEB DESHMUKH
Judge